IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL

Criminal Misc. Transfer Application No. 15 of 2001
(Old No. 244 of 1999)

Jaideep Singh Negi
S/o Sri Jaikrit Singh Negi
R/o Rani Pokhari,
Police Station – Rishikesh
Distt. – Dehradun ……Applicant

Versus

State of Uttaranchal ….Respondent

Sri L. Dobhal, learned counsel for the applicant
Sri Manoj Chandra Joshi, learned counsel for the State.

Hon'ble B.C. Kandpal, J.

This is an application for transfer of case no. 46/1999 pending in the court of Judicial Magistrate, 1st Class Garhwal to some other neighboring district u/s 407 of Cr.P.C.

Heard Sri Lokendra Dobhal learned counsel for the applicant and learned A.G.A.

The petition has been filed u/s 407 of Cr.P.C. seeking transfer of the case no. 46/99 State Vs. Jaideep Singh Negi u/s 384 I.P.C. pending in the court of Judicial Magistrate 1st Class, Garhwal to any other court of neighboring district.

No counter affidavit has been filed by the opposite party.

Learned counsel for the applicant has contended that there is a danger to the life of the applicant from the local politician. Learned counsel for the applicant further stated that in case, if the case is not transferred then his safety would put in danger.

Learned A.G.A. refuted the contention and has submitted that mere apprehension of the applicant is not sufficient to transfer the case.

Having perused the record and after hearing the submission made from both sides, I am of the view that the applicant be provided police protection whenever he attend the court at Judicial Magistrate, 1st Class, Garhwal.

In view of the reasons stated above, I think that this petition is liable to be dismissed.

The petition is accordingly dismissed.

However, the D.I.G. Garhwal range is directed to make necessary arrangements for taking the applicant, if need be, in police protection from Dehradun to court of Judicial Magistrate 1st Class, Garhwal on the date of hearing and return safely to his house at his own cost as and when required. The applicant shall bear his expenses with his own cost.

(B.C. Kandpal, J.)

11th March, 2005
Shiv